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ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

COMPREHENSIVE TEST-BAN TREATY

Letter dated 29 August 1996 from the Permanent Representative of India to the United Nations addressed to the President of the General Assembly

1. I have seen your note verbale dated 27 August, circulated by the Permanent Representative of the Hashemite Kingdom of Jordan in his capacity as Chairman of the Asian Group, about the convening of the plenary meeting of the General Assembly on Monday, 9 September 1996 in order to consider the resumption of the consideration of agenda item 65 (Comprehensive test-ban treaty).

2. The note verbale makes a reference to document A/50/1024, dated 22 August, containing a letter from the Permanent Representative of Australia asking for the convening of a plenary session of the General Assembly "to consider and take action on a comprehensive test-ban treaty pursuant to its resolution 50/65 of 12 December 1995".

3. It will be noted that resolution 50/65 refers (in operative paragraph 2) to the text of a comprehensive nuclear-test-ban treaty that was to be concluded in the Conference on Disarmament and then to be endorsed by the General Assembly (operative paragraph 6). However, according to the report of the Ad Hoc Committee on a Nuclear Test Ban (document CD/1425, dated 16 August) "no consensus could be reached either on the text or on the action proposed". At present, the Conference on Disarmament is therefore not in a position to present the text of a comprehensive test-ban treaty to the General Assembly for its endorsement.

4. Attention is also drawn to a draft resolution circulated by Australia, indicating that the text of a comprehensive nuclear-test-ban treaty is being submitted separately for circulation as a national document in the General

Assembly. According to the letter of the Permanent Representative of Australia addressed to you, this text is identical to that circulated in the Conference on Disarmament on 22 August 1996 (CD/1427), at the request of the delegation of Belgium, as a national paper. The circulation of this text, at the request of the delegation of Australia, or any other delegation, as a national document in the General Assembly cannot in any way confer such a text with an enhanced status, nor can it circumvent the decisions already taken in the Conference on Disarmament in Geneva regarding the non-consensual nature of this text. Should the Assembly decide to resume consideration of agenda item 65, it is clear that endorsement of any national document containing this non-consensus text would be contrary to the relevant provisions of resolution 50/65.

5. I would be grateful if this letter could be circulated as a document of the fiftieth session of the General Assembly under agenda items 8 and 65. This letter is also being copied to the Permanent Representative of the Hashemite Kingdom of Jordan, in his capacity as Chairman of the Asian Group.

(Signed) Prakash SHAH